

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1029

Introduced by Assembly Member Frazier

February 26, 2015

An act to add Article 8 (commencing with Section 999.75) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL’S DIGEST

AB 1029, as amended, Frazier. Veterans: service providers.

Existing law provides for certain services, protections, and benefits for veterans. Existing law establishes a 3-percent participation goal for disabled veteran business enterprises in state procurement.

~~This bill would require each entity of state government to give preference to a qualified entity, as defined, when awarding a grant or contract to provide social services to veterans. The bill would require a qualified entity to submit with the application for the grant or the bid for contract a certification, as provided, from the Department of Veterans Affairs. The bill would also authorize the Department of Veterans Affairs to conduct audits of qualified entities, as specified.~~

This bill would allow entities meeting specified requirements to apply to the Department of Veterans Affairs to become certified California veteran service providers. The bill would require the department to maintain a list of certified California veteran service providers on its Internet Web site. The bill would require that certification would remain valid for 3 years unless the entity is decertified by the department. The bill would require the department to adopt rules, procedures, and regulations as necessary to decertify an entity if it no longer meets the requirements to be a certified California veteran service provider.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares that it is*
2 *necessary to provide the public the means to determine which*
3 *charitable entities providing supportive services to veterans meet*
4 *certain minimum standards of cultural competency and financial*
5 *legitimacy.*

6 *(b) It is the intent of the Legislature to establish a voluntary*
7 *certification program whereby the Department of Veterans Affairs*
8 *will certify that certain charitable entities providing supportive*
9 *services to veterans meet minimum standards.*

10 *(c) It is further the intent of the Legislature that the Secretary*
11 *of the Department of Veterans Affairs consider whether it would*
12 *be beneficial to the people of the State of California to, in the*
13 *future, establish a uniform process for state contracting that*
14 *provides a preference to entities certified by the department*
15 *pursuant to Section 999.75 of the Military and Veterans Code*
16 *under a state contract or grant for supportive services to veterans*
17 *or their families.*

18 ~~SECTION 1.~~

19 *SEC. 2. Article 8 (commencing with Section 999.75) is added*
20 *to Chapter 6 of Division 4 of the Military and Veterans Code, to*
21 *read:*

22
23 Article 8. Veterans Preference For State Services Contracts

24
25 999.75. For purposes of this article, both of the following shall
26 apply:

27 ~~(a) A “qualified entity” means an entity that provides veterans~~
28 ~~with services, as specified in subdivision (a) of Section 999.76,~~
29 ~~and is capable of managing the grant moneys provided or the~~
30 ~~contract funds allocated in a fiscally prudent manner; “certified~~
31 ~~California veteran service provider” means an entity that is~~
32 ~~certified by the department as having an established history of~~
33 ~~providing supportive services and that meets all of the following~~
34 ~~requirements:~~

1 (1) *Provides supportive health and mental health services, small*
2 *business assistance, employment services, and job training services*
3 *to veterans.*

4 ~~(1)~~

5 (2) *Demonstrates the knowledge, experience, and—capacity*
6 *cultural competency to provide—desired supportive services to*
7 *veterans; veterans and their families.*

8 ~~(2)~~

9 (3) *Demonstrates through audits and employment history the*
10 *fiscal and management capacity to capably perform—public*
11 *contracts; supportive services to veterans and their families.*

12 ~~(3)~~

13 (4) *Is a nonprofit organization that is exempt from federal*
14 *income taxation as an organization described in Section 501(c)(3)*
15 *of the Internal Revenue Code with the primary purpose of*
16 *providing services to veterans and their families; Code.*

17 ~~(4) Demonstrates that the majority of the entity's resources are~~
18 ~~dedicated to serving the needs of veterans and their families.~~

19 (5) *Demonstrates through the submission of appropriate*
20 *supporting data that the entity has effectively served the needs of*
21 *veteran or veteran family clients.*

22 ~~(5)~~

23 (6) *Demonstrates that all required filings with the Secretary of*
24 *State, the office of the Attorney General, and the Franchise Tax*
25 *Board are current. Demonstrates that the entity meets or exceeds*
26 *the provisions of Article 1.3 (commencing with Section 17510) of*
27 *Chapter 1 of Part 3 of Division 7 of the Business and Professions*
28 *Code and complies with the standards included in the Attorney*
29 *General's Guide for Charities.*

30 (b) ~~A—qualified entity~~ *certified California veteran service*
31 *provider shall provide to the department all of the following*
32 *up-to-date documents; documents upon application for certification*
33 *and at any time during the certification period on request and*
34 *reasonable notice by the department:*

35 (1) *Articles of incorporation and all amendments to the articles*
36 *of incorporation.*

37 (2) *IRS Letter of Determination.*

38 (3) *Taxpayer identification number.*

39 (4) *Independent audit reports dating back three years.*

1 (c) (1) In order to obtain certification as a certified California
2 veteran service provider, the qualified entity shall apply to the
3 department, in a form and manner as required by the department.

4 (2) The department shall process and approve or reject all
5 applications on the basis of the requirements set forth in
6 subdivision (a).

7 (d) The department shall maintain a list of certified California
8 veteran service providers on its Internet Web site.

9 ~~999.76. (a) Notwithstanding any other law, each entity of state
10 government that awards grants to, or enters into contracts with,
11 nongovernmental agencies shall give preference to a qualified
12 entity when awarding a grant for a project that would provide to
13 veterans, or when entering into a contract to provide to veterans,
14 social services, including, but not limited to, housing services,
15 mental health services, or employment and job training services.~~

16 ~~(b) The qualified entity shall submit, with the application for
17 the grant or the bid for the contract, a certification from the
18 department.~~

19 ~~(c) (1) In order to obtain a certification as required by
20 subdivision (b), the qualified entity shall apply to the department,
21 in a form and manner as required by the department, for
22 certification of its status as a qualified entity.~~

23 ~~(2) The department shall process and approve or reject all
24 applications on the basis of the requirements set forth in Section
25 999.75.~~

26 ~~(d) The department may conduct an audit of qualified entities
27 that receive grant funds, as provided by this section, to ensure the
28 grant funds are being used to serve veterans. The results of an audit
29 shall be made available to the public. The department may comply
30 with the requirements of this subdivision by posting the results of
31 an audit on its Internet Web site.~~

32 ~~999.77.~~

33 999.76. (a) A certification approved by the department shall
34 be valid for ~~two~~ three years from the date the department accepts
35 credentials for certification. *certification unless the department
36 decertifies the certified California veteran service provider.*

37 (b) The department may accept current certifications and licenses
38 from any other state entity, agency, or department in order to
39 provide a certification to a qualified entity of a certified California

1 *veteran service provider pursuant to subdivisions (b) and (c) of*
2 ~~Section 999.76.~~ *Section 999.75.*

3 *(c) The department may accept an organization's status as a*
4 *congressionally chartered veterans service organization as support*
5 *for certification of a certified California veteran service provider*
6 *pursuant to Section 999.75.*

7 *(d) The department shall adopt rules, procedures, and*
8 *regulations as necessary to decertify a certified California veteran*
9 *service provider prior to the expiration of a current certification*
10 *when the certified California veteran service provider no longer*
11 *meets the requirements set forth in Section 999.75.*